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19 ORACLE USA, INC., et al.,
20 Plaintiffs,
21 v.
22 RIMINI STREET, INC., et al.,
23 Defendants.

Case No. 2:10-cv-00106-LRH-VCF

**RIMINI'S MOTION TO SEAL
PORTIONS OF REPLY ON ITS
EMERGENCY MOTION UNDER
LOCAL RULE 7-4 TO STRIKE
ORACLE'S IMPROPER EXPERT
REPORT SUPPLEMENT AND
OPPOSITION TO ORACLE'S
CROSS-MOTION TO REOPEN
DISCOVERY FOR THE LIMITED
PURPOSE OF DEPOSING HEARING
WITNESSES**

NOTICE OF MOTION AND MOTION

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 10, 2010 (ECF No. 55, “Protective Order”), Rules 5.2(e)–(f) and 26(c) of the Federal Rules of Civil Procedure, and Local Rule 10-5(b), Defendant Rimini Street, Inc. (“Rimini”) respectfully requests that the Court seal portions of its Reply on its Emergency Motion Under Local Rule 7-4 to Strike Oracle’s Improper Expert Report Supplement and Opposition to Oracle’s Cross-Motion to Reopen Discovery for the Limited Purpose of Depositing Hearing Witnesses (the “Confidential Material”).

A public, redacted version of Rimini’s Reply on its Emergency Motion Under Local Rule 7-4 to Strike Oracle’s Improper Expert Report Supplement and Opposition to Oracle’s Cross-Motion to Reopen Discovery for the Limited Purpose of Deposing Hearing Witnesses (the “Reply”) was filed on August 31, 2021. An unredacted version of the Reply will subsequently be filed under seal with the Court and linked to the filing of this motion. This Motion to Seal is based on this Notice of Motion and the accompanying Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Good cause exists to seal the Confidential Material, as set forth below. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c).

The Protective Order entered in this case provides that:

Counsel for any Designating Party may designate any Discovery Material as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” shall constitute a representation that any attorney for the Designating Party reasonably believes there is a valid basis for such designation.

ECF No. 55 ¶ 2.

1 Rimini requests that the Court seal the Confidential Material because it describes or
2 otherwise reveals information that Oracle has designated “Confidential” or “Highly
3 Confidential” under the terms of the Protective Order. Moreover, similar material was filed
4 under seal in connection with the Joint Pre-Hearing Order filed on August 20, 2021. By
5 designating the information as “Confidential” or “Highly Confidential,” Oracle as the
6 designating party has represented that the information cited is subject to protection under
7 Federal Rule of Civil Procedure 26(c). *Id.*

8 Additionally, this Court has granted motions to file under seal similar information, both
9 in *Rimini I* and *Rimini II*. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 1107, 1228, 1261; *see also*
10 *Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–282, 287, 333–
11 334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

12 **CONCLUSION**

13 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
14 the Confidential Material under seal.

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16 Dated: August 31, 2021

17 GIBSON, DUNN & CRUTCHER LLP

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19 By: /s/ Eric D. Vandevelde
Eric D. Vandevelde

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